# Morning Oregonian.

VOL. IX. PORTLAND, OREGON: THURSDAY MORNING, APRIL 22 1869. NO. 67.


## The Daily Oregonian.

HENRY L. PITTOCK, Proprietor.

THE DAILY MORNING OREGONIAN is published every morning except Sunday, and delivered by carriers to subscribers in Portland at 37½ cents a week. Single copies 12½ cents. By Mail or Express, to any part of the State at $10 per annum in advance; $6 for six months; $3 for three months. ADVERTISING at liberal rates.

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HAVE FACILITIES FOR TURNING OUT FIRST class work equal to any establishment on the coast.
Engines & Boilers,
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and all kinds of castings and machinery made to order.
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No. 12 Alder St., Portland, Oregon.
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For Cleaning and Repairing Watches..... $1 50
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ALL WORK GUARANTEED FOR ONE YEAR.
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HEAD OFFICE—6 EAST INDIA AVENUE, LEADENHALL STREET, LONDON.
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AGENCY,
IN NEW YORK, CANADA, SCOTLAND & IRELAND.
DRAFTS issued on all the Branches and Agencies; Approved bills negotiated or collected. Interest allowed on Deposits.
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Portland, April 10, 1867. dtf

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OF PORTLAND,
Depository of the United States,
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CASH CAPITAL, $750,000
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Losses Promptly and Equitably Adjusted and Paid in Gold Coin.
THIS COMPANY HAVING COMPLIED WITH the laws of Oregon, by making a Deposit of Fifty Thousand Dollars, is now prepared to effect Insurance against LOSS OR DAMAGE BY FIRE, and also against MARINE AND INLAND NAVIGATION RISKS on liberal terms.
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93 Front St., cor. ... st.
Portland, April 13, 1869 al2dtf

HOAGLAND'S
NEW PATENT SHAFT COUPLING!
W. E. COOPER
HAS PURCHASED THE RIGHT FOR THIS County of the above Patent, and will hereafter use it in the construction of all the Vehicles manufactured at his extensive
Carriage Factory,
Corner of Second and Morrison Streets.
He respectfully refers to the following
CARD.
Having examined the New Patent Shaft Coupling, invented by H. B. Hoagland, we feel pleasure in informing the public that in our opinion it is the safest and best method of connecting shafts or tongues to all vehicles that has ever been used.
It fastens without bolt or screw, and is therefore, easily and speedily separated. It rests on Gutta Percha so as to be entirely free from the rattling sound which so often disturbs restless horses. It is easily changed so that the shafts or tongue may be detached in an instant, and is convenient, safe and secure.
It is easy to change to this style of coupling any buggy or other vehicle now in use, and with small expense. We have come to the conclusion to use this new invention ourselves and recommend its use in all cases. We consider it far superior to the Brewster Patent, heretofore considered the best in use.

| | |
|---|---|
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| H. C. LEONARD, | L. P. W. QUIMBY, |
| MILLER & ACKER, | Wm. SHERLOCK, |
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| A. A. WILLIAMS, | WM. NILSON, |
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Tin, Copper and Sheet Iron Work,
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BUILDINGS FITTED UP WITH
GAS, WATER AND STEAM PIPES,
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Have constantly on hand an assortment of Gas Chandeliers, Lead and Iron Pipes, Marble Slabs, Pumps, Tin Ware, &c. &c.
TIN ROOFING, AND ALL KINDS JOBBING done, at shortest notice and in the best manner.
Portland, Jan 14, 1869 dtf

TO THE PUBLIC.
SUMMER ARRANGEMENT.
HUMBOLDT
Hair Dressing, Shaving and Bathing
SALOON.
HAVING REFITTED THIS OLD STAND FOR THE coming season, I am now prepared to accommodate all who may favor me with their patronage, in first class style. Having secured the services of competent workmen, who understand every branch of the business, I hope to merit and receive a share of public patronage.
Hot and Cold Shower Baths,
for Ladies and Gentlemen. Separate apartment, fitted up in neat style, private entrance, for Ladies.
N. B.—Particular attention paid to Cutting Children's Hair. Also, Ladies' and Children's Hair Snap Curled in every style.
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Don't forget the Stand—"Humboldt" Shaving, Hair Dressing and Bathing Saloon.
FRONT STREET, BET. TAYLOR AND SALMON.
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JUST RECEIVED, an invoice of 40 and 44 lb Book Papers. For sale low by
HENRY L. PITTOCK,
No 6 Washington street.

## By Overland Telegraph.

DISPATCHES TO THE OREGONIAN

### DATES TO APRIL 20.

#### Confirmations by the Senate.

WASHINGTON, April 20.—The Senate has confirmed the Consuls as follows: S. Trowbridge, of Illinois, for Vera Cruz; Geo. T. Allen, of Illinois, for Moscow; Saml. D. Jones, of California, for Revel; John C. Caldwell, of Maine, for Valparaiso; John S. Marsh, of Arkansas, is confirmed as Sixth Auditor; C. M. Hawley, of Illinois, as Associate Justice for Utah. W. H. Brookings as Associate Justice of Dakota; R. C. Thatcher as District Attorney for Colorado, John Pope Hodnell as Assessor for Dakota. Samuel B. Davis as Assessor for New Mexico, Register of Land, Chas. K. Wells, of Roseburg, Oregon. Receivers of Public Moneys, Otis Perrin at Stockton, California. R. Flint, at Roseburg, Oregon. Edward H. Stephens, as Consul at Leeds, was rejected.

#### Nominations.

The following nominations were sent to the Senate to-day: David A. Penn, of Tennessee, as Minister to Equador; C. N. Riole, of Texas, as Minister to Nicaragua; James W. Boulsey, Secretary of Legation at Mexico; Aaron Seeley, of New Hampshire, Consul at Hesse, Darmstadt; Louis M. Busnen, of Indiana, Chief Justice of Montana; H. Richardson, of Maryland, U. S. District Attorney for Montana; Geo. R. Maxwell, Superintendent of Indian Affairs in New Mexico; J. Kelly, Postmaster, New York; T. G. Richards, of Tennessee, as Consul at Leeds; Chas. B. Branscomb, of Missouri, Consul at Manchester; J. F. Howard, Consul at Leghorn; Jas. L. Folley, of New Jersey, as Secretary of Legation at Madrid. Thos. E. McRath, as Appraiser of Merchandise in New York.

#### Confirmations.

The Senate has confirmed H. D. Barron as First Auditor of the Treasury; Isham Rivas, as Associate Justice of Arizona; M. M. Delano, of California, as Consul at Foochow, Joseph Pollock, Director of the Mint at Philadelphia, W. S. Scribner, Secretary of Montana, and Horace Rublee, as Consul to Switzerland.

#### Nominations Withdrawn.

The following nominations are withdrawn: A. J. Russell, as Minister to Costa Rica; H. S. Wetmore, as Consul to Manchester.

There is a probability that the northern central and southern Superintendents of Indian affairs, will be selected from the Quakers of Philadelphia, Indiana and Baltimore, respectively.

The indictment against Burbridge, charging him with bribery, was dismissed and not signed by the Judge or District Attorney. Evidently, it was prepared to injure Burbridge, without sufficient foundation for action.

The Senate considered the San Juan Treaty but came to no conclusion.

#### Terrible Hail Storm.

ST. LOUIS, April 20.—The most terrific hail storm that ever visited this city occurred this P. M. Many thousands of windows were broken. Barely a house in the western part of the city escaped injury. The hail was of immense size. Hundreds of horses ran away. Rain fell in torrents. The storm extended westward.

#### Steamer Sunk.

The steamer *Nina Nemmes* struck a snag and sunk above Baton Rouge, on Saturday night. The boat and barge are a total loss, but everybody was saved.

#### Damages by the Hail Storm.

ST. LOUIS, April 20.—The damage by the hail storm is variously estimated at from 20,000 to 100,000 dollars. The latter is probably the most nearly correct. The demolition of glass alone was quite fearful. Numbers of casualities are reported.

#### Carpenters' Strikes.

NEW YORK, April 20.—The New York carpenters, by striking, have secured $3 75 per day.

ORANGE, (N. J.) April 20.—The carpenters are on a strike for four dollars per day.

#### Notable Death.

POUGHKEEPSIE, April 20.—Prof. Mitchell, the renowned mathematician, died at college yesterday, from general debility.

CHICAGO, April 20.—Generals Stoneman and Saxton left Omaha for San Francisco to-day. The troops will follow soon.

#### Extent of the Late Storm

CHICAGO, April 20.—Dispatches from all parts of the country report the storm was one of extraordinary violence. At Dubuque a large amount of property was destroyed and houses were carried away. One man was killed and a number injured. At Indianapolis the Central Railroad depot was blown down and a watchman killed. Several other employees were seriously injured. Reports from Montreal, Guelph, Dundas and other places in Canada say the rivers and water course have risen to an immense height from the breaking up of the ice and heavy rains. The country is inundated and much property destroyed.

LOUISVILLE, April 20.—The storm last night was very severe. Several trestles on lines of railroad were partially washed away, and one freight train was wrecked, but no loss of lives.

NASHVILLE, April 20.—The storm last night did great damage. Roofs of houses were blown off and fences and trees prostrated. The storm extended as far south as Chattanooga.

#### Tammany Elections.

NEW YORK, April 20.—The Tammany Society has elected W. M. Tweed as Grand Sachem, vice Gov. Hoffman. The American Sachems elect are A. Oaky Hall, M. L. Brenan, Samuel C. Gavin, Joseph Dowling and Peter B. Sweeney.

#### Recruiting for Cuba.

Cuban volunteering is going on rapidly but quietly. The recruits are promptly forwarded to Cuba in small numbers. Recently a full battery was filled and the artillery reshipped. A man-of-war was dispatched and information has been received of her safe arrival. The report that twenty vessels are to be made ready for the service is untrue. The only vessel preparing for the sea is the practice ship *Sabine*.

#### Various Matters.

It is reported that the notorious butcher cart thief, Steve Boyle, who also murdered a man in Michigan, has escaped from Clinton prison.

The amount of the defalcation of Peck, the absconding warehouseman, is only $1,50,000

John Morrisey, President of the Irish Republic, has telegraphed to Senator Chandler the thanks of twenty thousand Irishmen for his recent speech on the *Alabama* treaty. He says reconstruction, resumption, extension of territory, vindication of the national honor and the liberation of Ireland would follow hostilities against England.

#### Cuban Affairs.

HAVANA, April 20.—The Marine Court has rendered a final decision on the *Mary Lowell* case, pronouncing her a legal prize.

There are rumors of a heavy engagement between the troops and the rebels near Remedios; no particulars.

A Spanish war steamer has gone to San Diego.

The latest news from Trinidad says the rebels are leaving that neighborhood. 2,500 Spanish troops had arrived, and will march to attack the rebels in the Puerto Principe region.

NEW ORLEANS, April 20.—Captain Giles, of the schooner *Lizzie Major*, publishes an account of the seizure of the two passengers by the Spanish frigate. He says the passengers who were taken had passports in due form, regularly signed by Captain General Dulce, which had been recognized by the authorities of Cienfuegos, where the vessel touched. The Captain formerly protested against their seizure at the time, declaring that the Spanish authorities would be held responsible. The Captain also describes the murder of prisoners by Rolunter at Caibaeden.

#### Miscellaneous.

The U. S. steamer *Tuscarora* is reported ready for sea, and with the *Saratoga*, a naval apprentice ship, will soon leave for Cuban waters.

Gen. Canby has arrived at Richmond and will assume command of the district to-morrow.

A *Tribune* special says notwithstanding the fierce assaults of Senator Brownlow on President Grant, in executive session, because the President nominated Ricks instead of Brownlow's son-in-law, for Pension Agent at Knoxville, the President sent in the latter's nomination for the place, on the ground that the rebel press was exulting over the statement that Grant had ignored Brownlow.

Gen. Burbridge was arrested at Washington, yesterday, on a warrant issued at St. Louis, charging him with having received $20,000 for action in certain whisky cases while he was a special Revenue agent. Burbridge alleges that the case was got up against him to prevent him from obtaining office. He even charges Pile with complicity in the business because Burbridge wants the Brazil mission, which Pile is after.

Charles Hyman, of Vermont, long a clerk in the Dead Letter office, was appointed its Superintendent by the Senate.

Ross made a lengthy speech characterizing the recent published report of his interview with the President as a gross exaggeration, but denouncing the removal of men from office merely because they were appointed by Johnson. He said his future support of the Administration would not be blind or subservient.

The Senate passed a resolution to adjourn *sine die* on Thursday; in the House time not fixed.

Workmen have gone to Mount Vernon to put that place in repair.

The office hunters are leaving rapidly.

NASHVILLE, April 20.—The Republican State Convention to nominate candidates for Supreme Judges, met to-day. The nominees are John Andrews, present incumbent, of East Tennessee. Wm. McHeed, of Middle Tennessee, and Alvin Hockins, of West Tennessee. Judge Shackleford, one of the present Judges, announces his intention to run, notwithstanding the Convention.

OTTAWA, April 20.—Rinsela and Doyle, charged as accessories in the McGee murder, were brought before Assizes to-day. The Judge said the evidence was to weak too warrant further detention, and both were discharged.

WATERLOO, Canada, April 20.—Nearly all the dams on Grand river were swept away by the flood. Two bridges, one house, fences and side walks in this place were swept away. One man was drowned. The damage to property is very great.

PHILADELPHIA, April 20.—Arrangements are being completed for a great National Sunday School Convention to be held in New York, April 28th.

MEMPHIS, April 20.—The Spring races opened on Monday, but owing to the rain the track was heavy and the attendance not large. Two exciting races come off to-day.

CHICAGO, April 20.—The trial of William A. Robinson for the murder of Murray McConnell, commences to-day in the Jacksonville circuit.

BALTIMORE, April 20.—The case of Kimberly against Gen. Butler was, to-day, argued in the Circuit Court, Chief Justice Chase presiding.

NEW YORK, April 18.—The London *Times* thinks that Motley will be instructed to open negotiations for a new treaty on similar principles as the last. It is thought that the Government is ready to give such a proposal a fair consideration, but it does feel bound to initiate fresh negotiations. It welcomes Motley as a man having the confidence of a really powerful Executive of the most powerful party in the United States.

Lord Stanly, in a recent speech in Glasgow, referring to the *Alabama* treaty, expressed great faith in the good sense of the American people. He thought they would not wish to increase their difficulties by fresh quarrels. He hoped England would show a united front to the world in international disputes, whatever domestic divisions might arise.

### BY ATLANTIC CABLE.

LONDON, April 19.—The consideration of the Disestablishment bill was resumed in the House of Commons to-night. An amendment postponing the time for the bill to go into effect till 1872, was lost by 194 to 31. The clause disqualifying the Bishops of the Irish Church from sitting in the House of Lords was amended so as to allow Prelates to be appointed previous to the passage of the bill, and to retain their title and rights of precedence for life, and then agreed to.

LONDON, April 20.—The House of Lords passed to a second reading of the bill regulating leases in Ireland, introduced by the Marquis of Clarendon.

BRUSSELS, April 20.—The trouble among the miners at Mons is ended, and the men have expressed a willingness to resume work on a small advance of wages.

LISBON, April 20.—Advices from Rio say the prisoners released at Augustura have rejoined Lopez, and the Paraguayans have made an unsuccessful raid into the territory held by the allies.

MADRID, April 20.—Figuerola, Minister of Finance, presented his annual Budget to the Cortes yesterday. He estimates the receipts of the Government for the current year at 2,000,000,000 reals.

MUNICH, April 20.—In the debate in the Bavarian Chambers to-day, Prime Minister Prince Hohenlohe, stigmatized the encyclical letter of the Pope as contrary to the spirit of the age, and one of the causes of the differences which have arisen between the Church and State.

### The Oregon Central Railroad Controversy.

EDITOR OREGONIAN

I see by the OREGONIAN of the 20th inst that "West Side" is out with a dying wail—and that notwithstanding the experience of the past, the article is characteristic of the source from whence it emanates.

Although *misrepresentations* may have for a time succeeded, and have enabled Gaston & Co. to humbug the people, and to enter into improvident and illegal contracts with certain municipal corporations, and to gobble up houses and lots and farms belonging to certain enthusiastic and gullable individuals, still after they have been so thoroughly found out; after the State Legislature has repealed the act of 1866, guaranteeing interest on their bonds; after another company has been designated to receive the Congressional land grant, after both the old and the new Secretaries of the Interior have refused to recognize them as being designated to receive such grant: after Congress has passed an act extending the time for the East Side Company to file its assent to the act of Congress of July 25, 1866; after the city of Portland has been enjoined by the court from signing the coupons of the West Side bonds and from collecting any tax for the purpose of paying the same, after the authorities of Yamhill and Washington counties have *found out* Gaston & Co. and the one refuses to execute or deliver its bonds provided for in its contract with the company, and the other refuses to pay the interest upon the bonds; when Sedlack and Johns and others, victims of misplaced confidence, who hold the worthless stock of the company in exchange for valuable property, denounce the West Side as an unmitigated humbug; when, in short, to use a very expressive phrase entirely applicable to the present case, Gaston & Co have "run the whole thing into the ground," and discharged their hands and stopped work, one would naturally suppose that that enterprising firm would not be foolhardy enough to still persist in trying to humbug the public, or to suppose that any one could be found to place confidence in anything they might say.

The article in question is a gross misrepresentation of facts from beginning to end. "West Side" says that "Mr. Mitchell fails to state the facts that their assent; west-side company to the land grant was duly filed, July 6, 1867, and is still on file, and the refusal to file the East Side Company's assent in July, 1868, for the reason that the West Side Company's assent had been then accepted. That the Secretary has refused to file some maps for the West Side Company is true, but he refuses under a misapprehension of the facts, and awaiting a judicial decision."

This, to any one who is acquainted with the facts, seems decidedly cool. The correspondence referred to, shows that the fact that the West Side Company had filed its assent has been set in view all the time. *But the fact* of which "West Side" would *rather not see*, that *while the act of 1866 and incoming Secretaries* have decided that the West Side Company was *not designated* when the assent was filed as the company to receive the grant, and therefore that such company acquired no rights by filing its assent, and hence the necessity for extending the time for the East Side Company which had been designated to file its assent so that the grant might not be lost to the State.

"West Side" again says, "The enabling act which passed Congress is not the legislation the East Side asked for. They asked for legislation in their favor directly, but could not get it, and the bill which passed was what they had to accept."

The exact reverse of this is true, as we will most satisfactorily show. The East Side only asked for time to file their assent, while the West Side sought to *be designated by Congress* to receive the land grant, which was most conclusively that they understood they had *no vested right* to the land grant.

The closing portion of the remonstrance of S. G. Reed, accompanying the articles of "West Side," in which company "asked for legislation in their favor directly." The prayer of said remonstrance is as follows:

"The undersigned therefore prays that *instead of the pending law*, an act may be passed confirming what the last Legislature had a right to do, *intended to do*, and *supposed* they had done"—Rights are ours. Mr. Reed was more scrupulous than "West Side," or he would have added, "what the Legislature *did do*." As proof of what the East Side Company did ask, the reader is referred to the accompanying "ANSWER TO REMONSTRANCE."

Again, "West Side" is surprised to hear Mr Mitchell state that the East Side Company are willing, as they always have been, to let the Courts determine between these two contending parties, and complains because the East Side lawyers will not let the West Side lawyers bring suits in the Courts and agree to an investigation. This is a picture to awaken the pity of the hardest heart. *The obdurate East Side lawyers* will *not consent*, and the poor West-siders *can't get an investigation, and the Courts can't determine as between these two contending parties.* I pity the West Side lawyers, but I *pity* Gaston & Co. more. It will be new to most people that if they employ a lawyer, he will have to get the *consent* of the opposing attorney before the Court can settle the controversy. Really, "West Side," you advertise your lawyers, but not much, I think, to *their* satisfaction. I would respectfully suggest to "West Side" that the Courts are the proper tribunals to settle legal questions, and that it would be more manly to take the course the law points out, than to go whining in the newspapers about the conduct of opposing attorneys.

As showing what the East Side asked of Congress, and their reason for asking it, we submit the following "Answer to the Remonstrance:"

EAST SIDE.

ANSWER TO REMONSTRANCE

Against extending the time for filing assent to the act granting lands to aid in the construction of a railroad and telegraph line from Portland, Oregon, to the Central Pacific Railroad, in California.

The Remonstrance, signed as it is by *one* individual, S. G. Reed, out of a constituency of over twenty thousand voters in Oregon, who are interested in the construction of the contemplated road, *assumes* that the act of 1866 made a grant to "*The Oregon Central Railroad Company.*" This is a mistake. The grant was *not* to any particular company, but to "*such* company, hereafter organized under the laws of Oregon, as the Legislature should designate."

The remonstrator further insists, that the company he represents *was properly* organized and properly designated by the Legislature; and that its *assent*, furthermore, was legally filed. And in support of these assumptions a series of sophistical arguments are indulged in, wherein the very damaging fact is admitted, that for *some reason* there is a *defect, somehow a failure*, that requires Congressional aid to set right, and, therefore, not content with the passage of the pending bill, which has been reported by the Senate Committee on Public Lands, and which received the unanimous support of that committee, and which does not propose to discriminate between rival companies, Mr. Reed, assuming to act for a particular company, proposes a substitute, whereby he would have Congress do that which it was the duty of the Legislature of Oregon *to do*, namely, *designate* the company to receive and manage the grant. If it be true, as assumed at the outset in the remonstrance, that the company represented by Mr. Reed was properly *organized*, received the *designation* of the Legislature, and filed its *assent*, then why ask Congress to enact the proposed substitute?

"That the joint resolution of the Legislative Assembly of the State of Oregon, of October 19, 1866, designating the Oregon Central Railroad Company to construct the railroad mentioned in the said act of July 25, 1866, was a lawful execution of the power vested in the said Assembly, and that the said company, by filing its assent to the said act, on the 6th day of July, 1867, acquired the rights granted by said act."

From this remonstrance *two* important *facts* are apparent:

*First.* That there are *two* rival companies in Oregon, each claiming that *they* are entitled to this land grant; and

*Second.* That Congressional legislation of *some kind* is necessary before either can get it.

Will Congress, therefore, at the suggestion of a *solitary* individual, interested in one of these companies, undertake to *settle* a conflict between *two rival* companies, and determine as between them, or will not Congress rather simply extend the time for filing assent, without reference to any particular company, leaving that matter, if any controversy exists, to be settled by the Departments, or the courts?

If it be true, as assumed in the remonstrance, that the company which Mr. Reed ostensibly represents was properly organized and designated, and that their *assent* was *filed* within the time, then the mere fact of extending the time of filing assent, without reference to any particular company, could not possible affect the rights which they claim have already vested, whereas, upon the other hand, if, as admitted by the argument of the remonstrator, and by the fact of his offering the substitute which he has, that the company which he represents never was either properly organized or *legally designated*, and that, therefore, it never could properly *file its assent*, then, unless the pending bill is passed, the grant is wholly lost to the State.

Were it proper, before your honorable body, to enter into a statement of facts relative to the organization of the two companies, it could be most clearly shown that the company represented by Mr Reed are without even a shadow of *right or equity*, and that many of the statements made in the remonstrance are untrue. A mere reference to a few of the *facts* would most clearly indicate the truthfulness of this assertion.

*First.* It is *not true* that, at the time of the alleged designation in 1866, "the articles of incorporation were signed and acknowledged before a lawful officer, and filed with the Secretary of State, as the law requires," as stated in the remonstrance of Mr. Reed.

The certificate of the Secretary of State, under the State seal, shows that the Legislature adjourned on October 20, 1866, and that the articles of the company represented by Mr. Reed were for the *first time* filed in that office on the 21st day of November, 1866, over a *month* after the Legislature had adjourned.

COPY OF CERTIFICATE OF SECRETARY OF STATE.

STATE OF OREGON, DEPT OF STATE, } ss.
November 1st, 1868 }

I, Samuel E. May, Secretary of State of Oregon, do hereby certify that the Legislative Assembly of the State of Oregon, for the year 1866, adjourned *sine die* on the 20th day of October of that year, and I further certify that the articles of incorporation of the Oregon Central Railroad Company, of Portland, Oregon, were first filed in the office of Secretary of State the 21st day of November, 1866, at forty o'clock A. M. SAML E. MAY,
SEAL OF STATE. Secretary of State

The articles of the company represented by Mr. Reed show on their face that *ten* out of the eighteen corporators did not sign or acknowledge them until long after the adjournment of the Legislature, and that the certificate of acknowledgment and notarial seal were not attached until the 16th day of November, 1866. The truth is eight persons signed articles of incorporation while the Legislature was in session in 1866, and then handed them to a person a notary public to attach his certificate of acknowledgment, and for them as the law required. He promised to do so, but instead put them in his pocket, and after the Legislature had adjourned, without the knowledge or consent of the eight original incorporators, save one, he obtained the names of ten additional parties, one of whom was himself, he *first* being one of the ten, and the only party intrusted with this business, also signing himself one of the incorporators, the eight, and the ten new corporators, who were included, entered into a written agreement with each other, and with all the knowledge or consent of the remaining two corporators, of which the following is a copy:

SECRET AGREEMENT

"We, the undersigned part of corporators in the Oregon Central Railroad Company, of Portland, Oregon, for the purpose of controlling the organization and future management of the said corporation, and to make money and business thereby, do hereby bind ourselves together, in the following contract, as equal partners:

1st. Each person here subscribing shall own here, and be entitled to receive one-sixth of all the profits dividends and moneys which can be made by and out of the ownership, contract and management of the said corporation, its franchises and other property.

2d. That each of the parties hereto shall always be entitled to a place in the board of directors.

3d. That the managing officers and agents shall always be selected from the parties hereto.

4th. That this contract and agreement shall not be known to the public as are other partnerships, and in no case shall any one or more of the parties hereto have any right or power to bind the other parties to this contract in any matter of indebtedness, or pecuniary liability, without their previous consent or subsequent ratification, and any